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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Estate of VALERIE YOUNG, by VIOLA  
YOUNG, as Administratrix of the  
Estate of Valerie Young, and LORETTA  
YOUNG LEE,

Plaintiffs,

-against-

STATE OF NEW YORK OFFICE OF MENTAL  
RETARDATION AND DEVELOPMENTAL  
DISABILITIES, PETER USCHAKOW,  
personally and in his official  
capacity, JAN WILLIAMSON, personally  
and in her official capacity, SURESH  
ARYA, personally and in his individual  
capacity, KATHLEEN FERDINAND,  
personally and in her official  
capacity, GLORIA HAYES, personally  
and in her official capacity,  
DR. MILOS, personally and in his  
official capacity,

Defendants.

- - - - -x

75 Morton Street  
New York, New York

April 18, 2008  
10:25 A.M.

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2 DEPOSITION of GLORIA HAYES, one of the  
3 Defendants in the above-entitled action,  
4 held at the above time and place, taken  
5 before Gretchen A. Milton, a Shorthand  
6 Reporter and Notary Public of the State of  
7 New York, pursuant to the Federal Rules of  
8 Civil Procedure, Notice and stipulations  
9 between Counsel.

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12 \* \* \*

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14

15 APPEARANCES:

16

17 CATAFAGO LAW FIRM, P.C.  
18 Attorneys for Plaintiffs  
350 Fifth Avenue  
New York, New York 10118

19 BY: JACQUES CATAFAGO, ESQ.

20

21 STATE OF NEW YORK  
22 OFFICE OF THE ATTORNEY GENERAL  
ANDREW M. CUOMO  
Attorneys for Defendants  
23 120 Broadway  
New York, New York 10271-0332

24

25 BY: JOSE L. VELEZ, ESQ.

1

2 APPEARANCES:

3 (Continued)

4

STATE OF NEW YORK

5 OFFICE OF MENTAL RETARDATION AND  
DEVELOPMENTAL DISABILITIES

6 75 Morton Street  
New York, New York 10014

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BY: PATRICIA DELORY PAWLOWSKI, ESQ.

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1 GLORIA HAYES

2 A. 888 Fountain Avenue, Brooklyn,  
3 New York 11208.

4 MR. VELEZ: Counsel and I had  
5 discussion before we began this  
6 morning related to document requests  
7 made in prior depositions. You  
8 requested handwritten notes from  
9 Dr. Milos, if there were any, as well  
10 as any handwritten notes from the  
11 members of the mortality review  
12 conference.

13 It is my understanding that there  
14 are no handwritten notes that have  
15 been found related to those requests.

16 Now, with respect to the BDC  
17 policy, if any, that has been  
18 developed pursuant to Judith Baer's  
19 letter of November 2005, I have been  
20 informed that there is no formal  
21 procedure which has been put in place.  
22 Instead each individual consumer is  
23 treated on a case-by-case basis. Each  
24 primary physician will put into effect  
25 procedures regarding the treatment of

1 GLORIA HAYES

2 DVT individually. Those are medical  
3 instructions left by the physician,  
4 and they are the medical procedures  
5 that will be followed with respect to  
6 patients at risk of DVT.

7 MR. CATAFAGO: Thank you.

8 MR. VELEZ: You are welcome.

9 MR. CATAFAGO: Good morning,  
10 Ms. Hayes.

11 THE WITNESS: Good morning.

12 MR. CATAFAGO: I'm going to ask  
13 you some questions this morning. If  
14 at any time you don't hear me, or if  
15 you don't understand the question, let  
16 me know. I will either rephrase or  
17 repeat the question so it is clear to  
18 you.

19 Unless you otherwise so state, I  
20 am going to assume that you have heard  
21 and that you understand the question.  
22 I ask you to answer the questions to  
23 the extent of your fullest present  
24 recollection and ability, unless you  
25 are directed otherwise by your

1 GLORIA HAYES

2 saw a memo that you had relating to  
3 Valerie?

4 A. The last time I saw one was the  
5 one I wrote instructing the staff on how  
6 to deal with her.

7 Q. When was that?

8 A. That was in 2005.

9 Q. Where do you keep those records?

10 A. Where?

11 Q. Yes.

12 A. In my office.

13 Q. How voluminous or expansive is  
14 that file?

15 A. Four or five pages -- probably  
16 four or five pages.

17 Q. Can you have someone fax that  
18 over to us?

19 MR. VELEZ: Are you asking about  
20 memos?

21 All those memos ended up in  
22 Valerie Young's file; right?

23 THE WITNESS: No. These were  
24 memos that I personally wrote.

25 Q. You didn't put those into

1 GLORIA HAYES

2 Valerie's file?

3 A. No, no, no. I've got them.

4 MR. VELEZ: These are memos that  
5 you wrote?

6 THE WITNESS: Yes.

7 MR. VELEZ: Who did you write  
8 these memos to?

9 THE WITNESS: To the staff.

10 MR. VELEZ: What happened to  
11 those memos when you distributed them  
12 to the staff?

13 THE WITNESS: They were about  
14 in-service training on how to deal  
15 with her. Like, for instance, that  
16 people had to go with her into the  
17 bathroom.

18 MR. VELEZ: Are those records in  
19 that ended up in the file?

20 MR. CATAFAGO: I am asking the  
21 questions here.

22 Q. You never gave them -- whether or  
23 not they ended up in the file --

24 MR. CATAFAGO: She was supposed  
25 to supply all documents. They should

1 GLORIA HAYES

2 have been provided.

3 MR. VELEZ: That is correct. If  
4 she writes a memo, that goes into  
5 Valerie Young's records, and all that  
6 has been produced, counsel.

7 MR. CATAFAGO: Mr. Velez, if they  
8 were provided to you, if you have  
9 already produced them, if you want to  
10 say that, fine, but I don't believe  
11 that's correct.

12 They have not been provided. If  
13 you want to make that determination  
14 and put it on the record, that's fine.  
15 But she has now testified she has  
16 documents that no one has produced.  
17 As far as I understand it, she still  
18 has them in her possession.

19 MR. VELEZ: No, that's not  
20 correct. They have been provided to  
21 you already. You have everything that  
22 was in the file.

23 MR. CATAFAGO: They certainly  
24 have been asked for. I asked for  
25 every single document that was in the



1 GLORIA HAYES

2 possession of all defendants.

3 Q. You were asked to bring here

4 today every single document in your

5 possession.

6 A. I'm sorry. I didn't understand

7 that. I am sorry.

8 MR. VELEZ: There's a

9 misunderstanding here.

10 MR. CATAFAGO: Then let's

11 straighten this out.

12 Q. Did you produce them to your

13 attorneys?

14 A. Everything I had was sent over to

15 the director's office.

16 MR. VELEZ: Jan Williamson.

17 MR. CATAFAGO: Okay.

18 MR. VELEZ: So they were

19 provided.

20 Q. What exactly is meant by standing

21 orders to the staff?

22 A. It's only what I wrote...

23 Q. These three or four or five

24 pages, what was it that you wrote in those

25 three or four or five pages?

1 GLORIA HAYES

2 A. I don't remember. It wasn't  
3 much. I only have what I wrote...  
4 everyone has what they wrote. I have only  
5 what I wrote...

6 MR. CATAFAGO: Your position is,  
7 counsel, it was produced?

8 MR. VELEZ: That is correct.

9 Q. Do you have any special license  
10 or licenses in connection with your job?

11 A. No.

12 Q. Have you ever testified before?

13 A. No.

14 Q. Following the death of Valerie  
15 Young, did anyone ask you for any  
16 information at all about her?

17 A. What sort of information?

18 Q. Like about her treatment and  
19 care, did anybody ask you about that,  
20 whether Judith Baer, or Jan Williamson, or  
21 somebody from the Commission on Quality of  
22 Care?

23 A. No.

24 Q. Or Peter Uschakow?

25 A. No.